03-10-08

Itu

Express Mail Label No.: EM 103186845US

Date of Deposit: March 7, 2008

Attorney Docket No. 25452-015

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)

David G. Therrien et al.

TC/A.U.:

2167

Application No.

10/659,642

Examiner:

M. Pham

Filing Date

September 10, 2003

Conf. No.:

3651

Éor

METHOD AND APPARATUS FOR SERVER SHARE MIGRATION AND SERVER RECOVERY USING HIERARCHICAL STORAGE MANAGEMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

MAIL STOP AMENDMENT

# TRANSMITTAL LETTER ......

Sir

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- 1. Second Supplemental Information Disclosure Statement (2 pgs.);
- 2. Modified Form 1449/PTO (1 pg.), in duplicate;
- 3. Cited References B1 and C6; and
  - 4. Return Postcard.

Applicants believe that no fees are due in connection with this submission, however, the Director is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 25452-015, Customer Number: 35437.

Dated: March 7, 2008

Respectfully submitted,

Boris A. Matvenko, Reg. No.: 48,165

MINTZ LEVIN COHN FERRIS

GLOVSKY AND POPEO, P.C.

**Chrysler Center** 

666 Third Avenue, 24<sup>th</sup> Floor New York, New York 10017

Phone: 212-935-3000; Fax: 212-983-3115

Customer No. 35437

Express Mail Label No.: EM 103186845US

Date of Deposit: March 7, 2008 Attorney Docket No. 25452-015

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)

David G. Therrein et al.

Application No.

10/659,642

Filing Date

September 10, 2003

TC/A.U.

2167

Confirmation No.

3651

Examiner

M. Pham

For

METHOD AND APPARATUS FOR SERVER SHARE MIGRATION AND SERVER RECOVERY USING HIERARCHICAL STORAGE MANAGEMENT

#### MAIL STOP AMENDMENT

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby makes of record the documents listed on the enclosed modified Form 1449/PTO (submitted in duplicate) in the above-identified application, which were cited in an European Search Report, mailing date January 31, 2008, in an European patent application No. EP 06 25 5938.

The order of presentation of the references should not be construed as an indication of the importance of the references.

This Supplemental Information Disclosure Statement is being filed within three months of the date the communication has been received. Accordingly, no fee or certification is required. 37 C.F.R. §1.97.

Under 37 CFR § 1.98(a)(2)(i), copies of the cited U.S. patents and U.S. publications are not enclosed. Under 37 CFR § 1.98(a)(2) a copies of foreign patent document are enclosed as indicated on the attached modified Form 1449/PTO. It is respectfully requested that the Examiner consider the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited

Express Mail Label No.: EM 103186845US

Date of Deposit: March 7, 2008

Attorney Docket No. 25452-015

information has been fully considered by the Patent and Trademark Office during the examination of

this application.

By submitting this Information Disclosure Statement, the Applicants make no representation

that: (1) more relevant information does not exist; (2) the information cited in the Statement is, or is

considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information

cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her

own conclusion regarding the relevance of the cited information. An early and favorable action

is hereby requested. Please charge any fees that may be due, or credit any overpayment of same,

to Deposit Account No. 50-0311, Reference No. 25452-015, Customer No. 35437.

Respectfully submitted,

Dated: March 7, 2008

Boris A. Matvenko, Reg. No. 48,165

Attorney for Applicants

MINTZ, LEVIN, COHN, FERRIS,

GLOVSKY and POPEO, P.C.

Chrysler Center; 666 Third Avenue – 24th Floor

New York, New York 10017 Telephone: (212) 935-3000

Telefax: (212) 983-3115

Customer No. 35437